

FORM SUMMARY

Name of Forms: **Petition for Waiver of Filing and Service Fees - Affidavit of Indigency and Order**

Form Number: **CV-410**

Statutory Reference: §814.29, Wisconsin Statutes

Purpose of Form: This affidavit is to be completed by an individual seeking to waive fees and costs in commencing, prosecuting or defending any matter in any circuit court. The court will use the Court Order section to grant or deny the relief. (Note: Other forms CV-438 or CV-440 are to be used for prisoners seeking to commence an action or special proceeding without prepayment of filing fees, costs, or security for costs.)

Who Completes It: The party seeking the indigency determination will complete the affidavit. The judge will complete the Court Order portion after reviewing the affidavit.

Distribution of Form: Original to court. The party seeking the indigency determination will probably keep a copy.

Accompanying Forms: A copy of the petitioner's petition, complaint or answer, or appeal must accompany the petition for waiver.

New Form/Modification: Modification, last update 5/00.

Modifications: Corrected wording in first paragraph.
Previous modification: Added line under signature for petitioner's address.

Comments: A judge has the option of requiring proof that the petitioner receives the money indicated from the program listed in Section 1, or the income claimed in Section 2.

The court may deny the request if:

- The person is not indigent; or
- The affidavit is untrue; or
- The action lacks merit because it states no claim, defense or appeal upon which the court can grant relief.

Further, the Court Order allows the court to grant a person additional time to pay the costs or fees (#2). This can be used when the individual may not be technically indigent, but because of circumstances is unable to pay them now.

Retained from previous updates. The program AFDC, which no longer exists, has been eliminated as an automatic criterion for indigency. The Wisconsin Works (W-2) program has not been included on the form, since it has not yet been determined whether this program qualifies as an automatic criteria for indigency.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.